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REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-17 are pending, of which claims 1, 2, 9, and 10 are independent. Claims 1-10 are amended in accordance with preferred U.S. format and for proper antecedent basis. In addition, means-plus-function language is eliminated to obviate any interpretation under 35 U.S.C. §112, sixth paragraph, and to ensure infringement of the apparatus claims at the time the apparatus is sold. Claims 1 and 9 are further amended to recite an "enforcement server" instead of an "information and/or enforcement server."

Added claims 11 and 12 are directed to the apparatus of claims 1 and 2 in combination with the structures recited in the preamble thereof, as well as structures inferentially recited in the body of these claims. Added claims 13 and 14 are directed to an information server in combination with the apparatus of claim 1 and method of claim 9, respectively. Added claim 15 is directed to the server of claim 13 in combination with the apparatus of claim 1. New claims 16 and 17 define embodiments of a storage device in combination with the apparatus of claim 6.

Applicants traverse the rejection of claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Ginter et al. (U.S.

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6,389,402). (It is assumed the reference to claims 1-10 being "unpatentable" over Ginter is an error.)

Applicants cannot agree that all features of original or amended claims 1-10 are found in Ginter and dispute the characterization in the Office Action equating Applicants' claimed client platform with Ginter's content user 112, Applicants' claimed remote content provider with Ginter's content creator, and Applicants' claimed proxy service with Ginter's rights distributor.

If Ginter's rights distributor 106 is to correspond to Applicants' claimed proxy service, the rights distributor must have or perform the following features or activities:

(1) transmit a request from the client platform to the content provider;

(2) receive data from the content provider including at least one marker;

(3) interpret the marker; and

(4) transmit a request for a clear-content version for transmission to the client if authorization requirements are met.

However, there is no element disclosed in Ginter that could serve as the marker of the presently claimed invention. Applicants' claimed marker identifies the location of a remote policy enforcement handler. While at the beginning of column 59, Ginter briefly addresses the permissions record which may be

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packaged with content and that might contain a key for descrambling, nothing remotely resembling Applicants' claimed marker is disclosed. Because Ginter does not disclose the claimed marker, Ginter obviously cannot disclose a marker interpreter. Similarly, the ability to transmit to the client a request for a clear-content version if authorization requirements are met is contingent upon the existence of the steps and features in items (1)-(3). Since Ginter does not disclose the steps and features of items (2) and (3), it cannot disclose transmitting to the client a clear-content version if authorization requirements are met.

All of Applicants' amended claims require interaction with the remote policy enforcement server, a structure not found in Ginter. In addition, Ginter's minimal disclosure of the permissioning agent shown in FIG. 1A is inadequate to enable this structure to read on the enforcement server set forth in Applicants' claims.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are deemed in order, and such action is respectfully requested.

To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any prescribed fees not

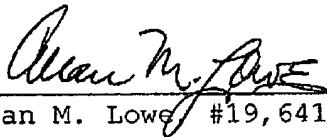
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otherwise provided for, including application processing, extension of time, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,

John S. ERICKSON et al.

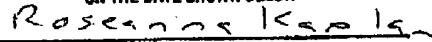
By:


Allan M. Lowe #19,641

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
703-684-1111 telephone
970-898-0640 telecopier
AML:rk

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